

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66

JANE ROE,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

JOINT NOTICE REGARDING EARLY DISCOVERY REQUESTS

Pending before the Court is Defendants' Joint Motion to Set Deadline to Respond to Early Discovery Requests. ECF No. 51. Defendants filed that motion after Plaintiff served discovery requests on Defendants prior to the timeframe for discovery set by the local rules, and the motion asks the Court to confirm that the local rules govern the timing of discovery in this case.

Defendants hereby notify the Court that on July 31, 2020, Plaintiff served Defendants with Plaintiff's Second Set of Document Requests, Second Set of Interrogatories, and First Set of Requests for Admission. *See* Exhibits A, B, & C. Defendants objected to those discovery requests for the same reasons that Defendants objected to Plaintiff's prior discovery requests, namely, that the Local Rules of the U.S. District Court for the Western District of North Carolina expressly prohibit discovery at this early stage of the litigation and that Supreme Court precedent prohibits discovery prior to resolution of the qualified immunity defenses raised by the individual-capacity defendants. *See* Exhibit D. The arguments in Defendants' Joint Motion to Set Deadline to Respond to Early Discovery Requests apply equally to Plaintiff's new discovery requests.

This the 29th day of August, 2020.

Respectfully submitted,

ETHAN P. DAVIS
Acting Assistant Attorney General

CARLOTTA P. WELLS
Assistant Branch Director

s/Joshua Kolsky
JOSHUA M. KOLSKY
Trial Attorney
D.C. Bar No. 993430
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW Washington, DC 20005
Tel.: (202) 305-7664
Fax: (202) 616-8470
E-mail: joshua.kolsky@usdoj.gov

R. ANDREW MURRAY
UNITED STATES ATTORNEY

s/Gill P. Beck
GILL P. BECK
Assistant United States Attorney
N.C. State Bar No. 13175
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801
Phone: (828) 271-4661
Fax: (828) 271-4327
Email: Gill.Beck@usdoj.gov

Counsel for Defendants United States of America, Judicial Conference of the United States, Administrative Office of the United States Courts, United States Court of Appeals for the Fourth Circuit, Judicial Council of the Fourth Circuit, the Federal Public Defenders Office, Chief Judge Roslynn R. Mauskopf, James C. Duff, and Anthony Martinez in their official capacities, and General Counsel Sheryl L. Walter, Chief Judge Roger L. Gregory, James N. Ishida, in their individual and official capacities.

s/Shannon Sumerell Spainhour
SHANNON SUMERELL SPAINHOUR
N.C. State Bar No. 28108
DAVIS HARTMAN WRIGHT PLLC
28 Schenck Parkway, Suite 200

Asheville, NC 28803
Phone: 828-771-0833
Fax: 252-514-9878
Email: mss@dhwlegal.com

Counsel for Federal Public Defender Anthony Martinez in his individual capacity